

ASSEMBLY BILL

No. 1443

Introduced by Assembly Member Hancock

February 22, 2005

An act to amend Sections 26908.5 and 36525 of the Government Code, relating to local agency auditors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1443, as introduced, Hancock. Local agency auditors.

Existing law provides that all books, papers, records, and correspondence of an auditor, as defined, of a county, special district, or city that pertain to his or her work are public records. The personal papers and correspondence of any person providing assistance to the auditor who has requested in writing that the papers be kept private and confidential are not public records unless the written request is withdrawn or the auditor orders that they shall become public records.

This bill would delete the ability of the auditor to order those papers and correspondence to become public records.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 26908.5 of the Government Code is
- 2 amended to read:
- 3 26908.5. (a) As used in this section “auditor” includes an
- 4 elected or appointed officer or full-time employee of a county or
- 5 a special district who is compensated, but does not include an
- 6 independent contractor.

(b) All books, papers, records, and correspondence of an auditor pertaining to his or her work are public records subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 and shall be filed at any of the regularly maintained offices of the auditor. However, none of the following items or papers of which these items are a part may be released to the public by the auditor or his or her employees:

(1) Personal papers and correspondence of any person providing assistance to the auditor when that person has requested in writing that his or her papers and correspondence be kept private and confidential. Those papers and that correspondence shall become public records if the written request is withdrawn ~~or upon the order of the auditor~~.

(2) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed.

(3) Papers, correspondence, or memoranda pertaining to any audit that has been completed, which papers, correspondence, or memoranda are not used in support of any report resulting from the audit.

SEC. 2. Section 36525 of the Government Code is amended to read:

36525. (a) As used in this section “city auditor” includes an elected or appointed officer or full-time employee of the city who is compensated, but does not include an independent contractor.

(b) All books, papers, records, and correspondence of the city auditor pertaining to his or her work are public records subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 and shall be filed at any of the regularly maintained offices of the city auditor. However, none of the following items or papers of which these items are a part may be released to the public by the city auditor, or his or her employees:

(1) Personal papers and correspondence of any person providing assistance to the city auditor when that person has requested in writing that his or her papers and correspondence be kept private and confidential. Those papers and that correspondence shall become public records if the written request is withdrawn ~~or upon the order of the city auditor~~.

(2) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed.

- 1 (3) Papers, correspondence, or memoranda pertaining to any
- 2 audit that has been completed, which papers, correspondence, or
- 3 memoranda are not used in support of any report resulting from
- 4 the audit.

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